

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Blong Xiong	Acting Council President
	Henry Perea	Council President

Andrew T. Souza, City Manager
James Sanchez, City Attorney
Becky Klisch, City Clerk
Cindy Bruer, Deputy City Clerk

Invocation by Pastor Paul Micu from Riverpark Bible Church and President Perea led the Pledge of Allegiance

CEREMONIAL PRESENTATIONS:

PROCLAMATION OF "BETTY PETERSON'S SUPPORT OF HABITAT FOR HUMANITY" – COUNCILMEMBER STERLING

Read and presented.

PROCLAMATION OF "PEACE OFFICERS MEMORIAL DAY" – MAYOR AUTRY AND ALL COUNCILMEMBERS

Read and presented.

CERTIFICATE OF COMMENDATION TO BISHOP HENRY L. JOHNSON – MAYOR AUTRY, COUNCILMEMBERS WESTERLUND AND STERLING

Read and presented.

APPROVE MINUTES OF APRIL 24, 2007:

On motion of Councilmember Dages, seconded by President Perea, duly carried, RESOLVED, the minutes of April 24, 2007, approved as submitted, by the following vote:

Ayes :	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes :	None
Absent:	None

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER DUNCAN: (1) Stated several weeks ago a press conference was held regarding the Rescue Mission, advising some commitments were made regarding the setting up of temporary portable restrooms and trash containers for the homeless camp, noting it had been three weeks and requested the City Manager's Office to provide a status report as to when the restrooms would be put in place.

COUNCILMEMBER DAGES: (1) Stated there was a five-acre park next to Mosqueda Center where a fatal accident had occurred last week, and due to the accident, a portion of the fence was removed, creating a dangerous situation for children playing soccer and requested the fence be repaired as soon as possible. (2) Stated he had a two hot spots in southeast Fresno he would like cameras installed for the prevention of graffiti and requested meeting with the City Manager's Office for further discussion.

ACTING PRESIDENT XIONG: (1) Thanked Councilmember's support for the Southeast Asian Educational Conference, stating the event was a success.

COUNCILMEMBER STERLING: (1) Thanked the Fresno Association of Realtors for the seminar held at Mosqueda Center last Saturday, stating more seminars would be held throughout the community. (2) Thanked the PR&CS for the Earth Day event held at Eaton Plaza last weekend. (3) Stated a health fair event was held at Lowell Elementary last Saturday, noting there were going to be many activities scheduled this summer for the community to attend.

COUNCILMEMBER WESTERLUND: (1) Questioned the status of the performance pay issue, stating it was included in the last budget cycle, with City Manager stating the funds would be part of the carry-over for the end of the year, noting options were being reviewed to balance the reward and accountability portion. (2) Concurred with Councilmember Sterling's comments regarding many events occurring in the community, noting this Saturday was a Cinco De Mayo Celebration which would be held at the Fulton Mall and encouraged people to attend. (3) Stated he attended a Grizzly game last weekend, noting the appearance of the stadium was well maintained.

COUNCILMEMBER CALHOUN: Thanked the City Attorney's Office, namely Deputy City Attorney Hylton, for the follow-up memorandum requested for Hotel Fresno and the status of the litigation.

PRESIDENT PEREA: (1) Requested feedback from Council regarding budget hearings, questioning whether Council would approve an additional day of Thursday, May 24, 2007, at 8:30 a.m. (*Subsequently changed to May 25, 2007, at 8:30 a.m.*) Councilmember Westerlund stated May 24th would be fine, noting June 1 through June 10th, he had been requested to serve on active duty. Councilmember Sterling stated the Mayor's State of the City was going to be held at noon that same day with President Perea stating the meeting was scheduled for 8:30 a.m. to 11:00 a.m. Acting President Xiong stated he might have a conflict and would respond after he checked with his staff. (2) Reminded everyone the Peace Officers' Memorial ceremony was scheduled for noon today at the Fresno Courthouse Park. (3) Welcomed Planning and Development Director Yovino back to work.

APPROVE AGENDA:

(1-F) * APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH BOYLE ENGINEERING FOR \$89,566 TO DESIGN STREET IMPROVEMENTS AT THE SAN JOAQUIN VALLEY RAILROAD CROSSINGS OF CEDAR, MAPLE, AND CHESTNUT AVENUES AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY (*PROPERTY LOCATED IN COUNCIL DISTRICT 5*) - PUBLIC WORKS DEPARTMENT

(1-G) * APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH WILL DAN ENGINEERING FOR \$69,030 TO DESIGN STREET IMPROVEMENTS AT THE SAN JOAQUIN VALLEY RAILROAD CROSSINGS OF WILLOW, PEACH, AND FOWLER AVENUES AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY (*PROPERTY LOCATED IN COUNCIL DISTRICT 5*) - PUBLIC WORKS DEPARTMENT

(9:30 A.M. A) * RESOLUTION - 64TH AMENDMENT TO THE AAR NO. 2006-253 APPROPRIATING \$1,000,000 FOR THE PURPOSE OF FUNDING HANDY RIDE OPERATING COSTS THROUGH FY2007 AND FOR THE PURCHASE OF SIX HANDY RIDE PARATRANSIT BUSES – TRANSPORTATION DEPARTMENT (*REQUIRES 5 AFFIRMATIVE VOTES*)

City Clerk stated consent items 1F, and 1G were removed from the agenda; the item listed under scheduled oral communication was removed from the agenda due to the gentleman was ill, and advised Item 9:30 a.m. was also removed from the agenda.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes :	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes :	None
Absent:	None

ADOPT CONSENT CALENDAR:

(1-A) * APPROVE SIDE LETTER OF AGREEMENT WITH CITY OF FRESNO (CITY) AND CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION (CFPEA), UNIT 13, REGARDING AN MENDMENT/MODIFICATION OF ADDING THE LANGUAGES OF PUNJABI AND HINDI TO BILINGUAL CERTIFICATION PROGRAM – PERSONNEL DEPARTMENT

Councilmember Westerlund advised he would register a “no” vote on the above listed item.

(1-C) REJECT ALL BIDS FOR A ONE-YEAR REQUIREMENTS CONTRACT FOR ORTHO POLY PHOSPHATE BLEND BECAUSE THE ONE BID RECEIVED IS FIFTY-FIX PERCENT (55%) INCREASE OVER THE PREVIOUS CONTRACT. THE CONTRACT WILL BE RE-BID IN AN EFFORT TO OBTAIN GREATER BIDDER PARTICIPATION AND LOWER PRICING - DEPARTMENT OF PUBLIC UTILITIES

(1-D) RESOLUTION NO. 2007-167 - AUTHORIZING COUNTY OF FRESNO’S REGIONAL GRANT APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR LOCAL GOVERNMENT HOUSEHOLD HAZARDOUS WASTE PROGRAM FUNDING ASSISTANCE (CYCLE 16) - DEPARTMENT OF PUBLIC UTILITIES

Councilmember Calhoun thanked staff for taking on the responsible of the hazardous waste program.

(1-E) * AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$3,255,675.14 TO DAVE CHRISTIAN CONSTRUCTION CO., INC. FOR THE WIDENING OF HERNDON AVENUE BETWEEN WEBER AND POLK AVENUES (PROPERTY LOCATED IN DISTRICT 2)

1. * RESOLUTION NO. 2007-168 - 76TH AMENDMENT TO THE AAR NO. 2006-253 APPROPRIATING \$3,694,300 FOR THE WIDENING OF HERNDON AVENUE BETWEEN WEBER AND POLK AVENUES – PUBLIC WORKS DEPARTMENT (REQUIRES 5 AFFIRMATIVE VOTES)

(1-H) RESOLUTION NO. 2007- 169 - OF INTENTION TO ANNEX FINAL TRACT NO. 5730 AS ANNEXATION NO. 17 TO CITY OF FRESNO CFD NO. 11 AND SETTING A HEARING FOR MAY 15 AT 10:30 A.M. (PROPERTY LOCATED IN COUNCIL DISTRICT 2) -PUBLIC WORKS DEPARTMENT

(1-I) * RESOLUTION NO. 2007- 170 – ADOPTING THE 457TH AMENDMENT TO MFS NO. 80-420 TO ESTABLISH A IMMOBILIZATION “BOOT” REMOVAL FEE PER SECTION 10-310 OF THE FRESNO MUNICIPAL CODE. AUTHORITY TO AFFIX AN IMMOBILIZATION BOOT TO VEHICLES WITH 5 OR MORE DELINQUENT PARKING CITATIONS AND TO COLLECT A FEE FOR ITS REMOVAL IS ESTABLISHED UNDER CVC 22651.7 AND FMC 10-310 - PUBLIC WORKS DEPARTMENT

(1-J) * BILL B-39 – ORDINANCE NO. 2007-42 (INTRODUCED 4/24/07) (FOR ADOPTION) AMENDING SUBSECTION 12-306-N-56 TO THE FRESNO MUNICIPAL CODE RELATING TO THE DEFINITION OF MEDICAL MARIJUANA DISPENSARIES AND COOPERATIVES – PLANNING AND DEVELOPMENT DEPT.

On motion of Councilmember Dages, seconded by President Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

On motion of Councilmember Dages, seconded by President Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR ITEM 1A**; approving a Side Letter of Agreement with City of Fresno (City) and City of Fresno Professional Employees Association (CFPEA), Unit 13, regarding an amendment/modification of adding the languages of Punjabi and Hindi to bilingual certification program, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes : Westerlund
Absent: None

- - - -

(9:00 A.M.) PUBLIC COMMENT PERIOD - SCHEDULED COMMUNICATION:

1. APPEARANCE BY CALEB ROBINSON – REGARDING THE BLIGHT OF DOWNTOWN AND THE DESTRUCTION OF FRESNO’S HISTORICAL LANDMARKS

Appearance canceled due to illness.

- - - -

(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:

Ms. Barry, Boardmember on the Discovery Center, stated the Discovery Center was going to be discussed in closed session today and wanted to represent the Center, noting the Discovery Center and PR&CS was looking for a closer working relationship, stating it was a good mix; discussed the creation of a scholarship program that resulted in sending 70 children to a free week at camp, stressing the Center was a place for children to go to participate in activities; advising the Center was exploring options for an after school science center. Ms. Barry stated the current litigation occurred over seven years ago and requested Council provide the Center an additional 30 days.

- - - -

BREAK – 9:11 A.M. – 9:15 A.M.

- - - -

(9:15 A.M. A) DISCUSSION AND DIRECTION REGARDING ESTABLISHMENT OF A FY 2008 COUNCIL BUDGET COMMITTEE FOR THE MAY 1 – JULY 31, 2007 TIME PERIOD – COUNCIL PRESIDENT PEREA

President Perea questioned whether Council thought the Budget Committee was necessary and requested input. Councilmember Duncan stated the committee had mixed history in the past, adding when the committee was established early they did provide input to Council, and at other times was dysfunctional, expressing concern with the lateness of appointing the committee. He advised each individual Councilmember would be reviewing the budget to find issues, concerns and questions where they would be reviewed during the budget hearings. Councilmember Duncan stated he was not in support of the committee, noting if one was appointed, the meetings should be held public.

Councilmember Calhoun stated he had never been in support of the appointment of the subcommittee, noting he had requested the Finance/Audit Committee not be involved in the budget. He advised Council was a small body of seven and it would put an unfair burden on the committee as to why recommendations should be made one way or another. Councilmember Calhoun stated he would be prepared to ask the right questions during budget sessions, debate the issues and then vote. He noted he disagreed with the committee holding public meetings, due to more confusion being added with the public thinking the committee was speaking for the Council, noting he was pleased with the responses staff provided.

(2-0) City Manager Souza stated he spoke to the Mayor and noted there was approximately two weeks before the budget would be presented and if it was the will of the Council to form a committee, staff would be willing to use a committee to resolve issues and to meet individually to answer questions.

Councilmember Westerlund discussed the Audit-Finance Committee, stating Acting President Xiong agreed to serve as well as himself and needed one more member. He noted he had requested staff provide copies of the Kronos and Cognos contracts to the Councilmembers. Councilmember Westerlund stated he would not support the appointment of a committee noting it was too late. He questioned whether the policy was still in effect regarding an Assistant City Manager being present when a Councilmember discussed budget issues with a department director during the budget process, with Mr. Souza stating the budget was presented as a compilation of all the input from the departments and presented as one entire packet as the Mayor’s budget, adding in the past there had been individual discussions where issues were taken out of context, and items not put into the entirety of the whole budget, advising to avoid conflicts the policy would remain in place.

Acting President Xiong expressed disappointment as to not being informed of the timeline to form a budget committee, stressing the committee would have been valuable by providing additional attention to details. Mr. Souza advised his office had received the input from each Council District on its impacts and needs within the specific districts, noting the budget was assembled addressing each district’s directions and concerns.

President Perea stated he did not have a preference for the appointment of a budget committee, noting it had worked best when the committee was formed earlier in the process. Councilmember Duncan expressed concern with the policy of not being able to discuss the budget with staff without the City Manager's Office being present. He stated it was insulting to the Councilmembers, as well as to staff, advising by not allowing Council to obtain information on their own, did not speak well of the openness of the administration. Councilmember Duncan advised it was a separation of the Strong Mayor Form of Government and the Council, adding he was disappointed in the policy. President Perea recommended Council consider establishing the committee earlier next year and recommended Acting President Xiong, as Council President next year, schedule the appointment of the committee at an earlier date. No action taken.

- - - -

(9:30 A.M. B) * AWARD A CONTRACT TO RADIO SATELLITE INTEGRATOR'S, INC. IN THE AMOUNT OF \$1,288,525.28 FOR THE INSTALLATION OF GLOBAL POSITIONING SYSTEM/AUTOMATED VEHICLE LOCATION (GPS/AVL) EQUIPMENT IN CITY VEHICLES – DEPARTMENT OF PUBLIC UTILITIES

Assistant Public Utilities Director Andersen reviewed the staff report, stating the equipment would be installed in approximately 340 City vehicles in two different departments to include Department of Public Utilities Sewer Maintenance, Water and Solid Waste Divisions and Planning and Development Department's Code Enforcement and Building Inspector vehicles, reviewed benefits of the project and the bid process and recommended approval.

Councilmember Westerlund thanked staff for taking the time to answer his questions, stating he was skeptical at first, but after all his questions were answered advised it was a great addition.

A motion to approve was acted upon after discussion.

Councilmember Calhoun expressed concern with some point of diminishing returns and questioned what the hidden costs would be and re-bidding of the project with Mr. Andersen responding. Councilmember Sterling thanked staff for their hard work, stating Fresno was the sixth largest City in the State and a program like this was important for the future, noting her appreciation when staff provided an explanation to Council when the cost was over \$1 million.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the contract hereby awarded to Radio Satellite Integrator's, Inc. in the amount of \$1,288,525.28 for the installation of global positioning system/automated vehicle location (GPS/AVL) equipment in City vehicles, by the following vote:

Ayes :	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes :	None
Absent:	None

- - - -

BREAK – 9:46 A.M. – 10:00 A.M.

- - - -

(10:00 A.M.) HEARING TO CONSIDER REZONE APPLICATION NO. R-07-007, AND ENVIRONMENTAL FINDINGS, FILED BY JOHN FORD, ON BEHALF OF XAI SHOUA VANG, PERTAINING TO 5.63 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF EAST FLORENCE AVENUE BETWEEN SOUTH WHITNEY AND SOUTH CHESTNUT AVENUES (4730 EAST FLORENCE AVENUE) (*PROPERTY LOCATED IN COUNCIL DISTRICT 5*)

A. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-07-07, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO MEIR 10130 FOR THE 2025 FRESNO GENERAL PLAN

B. BILL NO. B-43 - ORDINANCE NO. 2007-43 – AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE AE-5/UGM (*EXCLUSIVE FIVE ACRE AGRICULTURAL/URBAN GROWTH MANAGEMENT*) ZONE DISTRICT TO THE R-1/UGM (*SINGLE FAMILY RESIDENTIAL/URBAN GROWTH MANAGEMENT*) ZONE DISTRICT

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Thiessen advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the finding for the above entitled E.A. hereby approved, and the above entitled Bill No. B-43 adopted as Ordinance No. 2007-43, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

- - - -

BREAK – 10:01 A.M. – 10:10 A.M.

- - - -

(10:10 A.M.) PRESENTATION OF “CITY RECYCLING DIVERSION REPORT-SURPASSING THE 50% GOAL” – DEPARTMENT OF PUBLIC UTILITIES

Public Utilities Director Ramirez reviewed the aggressive progress the City had made relating to AB 939 dated 1990 to the present which today had reached a goal of 62%; reviewed the different sources of diversion including residential, business/commercial and City Parks. Mr. Ramirez reviewed diversion comparisons to other cities where the City of Fresno was at 62%, noting the new goals was to reach 67% and stated with SB 1020 was proposing a 75% diversion in the year 2012. He stated staff was working on ideas to reach the goal and were also looking into purchasing policies that would have an impact on the environment and reviewed the zero waste philosophy which would achieve a 90% plus diversion rate. Mr. Ramirez advised the Integrated Waste Board received the report and staff was confident they would see the City of Fresno had achieved a greater than 50% diversion level, noting the percentage could be as high as 62% and as low as 55-57%, advising staff would be working hard with the community to achieve the 75% diversion level.

Councilmember Calhoun stated this was one of the areas he was critical about, noting by looking at the power point chart was pleased with the increase in the diversion rate and thanked staff for their hard work. Councilmember Calhoun stated a large amount of the increase was due to 21% construction waste, with Mr. Ramirez stating Council adopted an ordinance two years ago making it mandatory for contractors, through City permits, to provide the information to the City of what was being diverted from the landfill. Councilmember Calhoun expressed concern with Fresno City College not having recycle bins and questioned the number of businesses not recycling with Recycling Coordinator Toews responding.

Councilmember Sterling questioned what the percentage was of the recycling at City Hall with Ms. Toews stating the majority of the material was recycled. Councilmember Sterling stated there was a groundbreaking on Lotus Avenue which was an environmental efficient home and while touring the home, was informed they used wood tile for the floor and recommended researching the possibility of using the construction diversion.

Councilmember Westerlund thanked staff, recommending the City put a policy in place for the mandatory 75% diversion prior to the year 2012 whether the legislation moved forward or not. Councilmember Westerlund questioned the 60,000 data points, the mandatory vs. voluntary diversion with apartment complexes, stating 2 years ago the City approved a mandatory apartment complex diversion where there was a two-year phase in, with Ms. Toews stating the City did authorize mandatory compliance, but did not enforce it, noting it was up to the State to deal with the recycling in multi-family complexes, noting teams went to each complex and elaborated. Councilmember Westerlund questioned the status of the dual-waste cans, particularly in the downtown area, Fashion Fair and Riverpark with Mr. Ramirez stating there was a cost factor involved and there was potential for high contamination. Management Analyst Tierce stated prior to Council’s approval of the three cart selection, a nine-month pilot program was conducted and the Visalia split cart was one of the collection systems tested, which resulted in a high contamination rate. Councilmember Westerlund emphasized he was interested in the split cart containers for businesses with Mr. Ramirez stating due to the cost factor involved staff would check into grant funding.

Acting President Xiong questioned the comparisons with other large cities with Mr. Ramirez stating all the cities used the same methodology. President Perea recommended staff provide Council with a resolution affirming the City of Fresno’s policy for a 75% diversion. He stated he was watching the news regarding recycling material where an expert stated people could not recycle soiled containers with Ms. Toews responding. No action taken.

- - - -

(10:30 A.M.) PRESENTATION OF “FRESNO GREEN: THE CITY OF FRESNO’S STRATEGY FOR ACHIEVING SUSTAINABILITY” – MAYOR AUTRY, COUNCIL PRESIDENT PEREA, AND CITY MANAGER’S OFFICE

Chief of Staff White gave a brief history of how the program was started, stating the idea came from the 2025 Fresno General Plan where the Mayor advised a 2025 Green Plan would compliment the General Plan, noting after many months of work, a draft Fresno Green Plan had been submitted, adding Mayor Autry acknowledged all the staff that helped put the program together. Ms. White noted as the process moved forward, individual item would be brought before Council for approval.

Assistant City Manager Ruiz stated the 2025 Fresno General Plan changed the patterns of growth in Fresno, and the next step was the progression of Fresno into a sustainable City with a good stewardship of the earth's natural resources; advising it balances the economic development and environmental stewardship with innovative enterprises and today staff was presenting Fresno Green, adding the plan contained twenty-five key strategies for a sustainable City by the year 2025. Mr. Ruiz stated there were five visions in the Fresno Green Plan along with strategies, noting there were several projects currently in place. He acknowledged the staff involved and thanked them for providing leadership to the project.

President Perea stated the proposal provided a chance for staff to be very creative, stated he had attended an Air Pollution Board meeting where he registered a no voted on moving toward extreme designation, stressing the importance of reaching a sustainability future.

Speaking in support were: David Wells, P.O. Box 1133 spoke of the dual waste containers; and Steve Horn, 1219 E. Jamestown Drive, questioned if the City had an incentive program for solar power.

President Perea emphasized one of the proposals in the Fresno Green Plan was to offer rebate incentives to homeowners who wanted to change to solar power, stating the proposal would be finalized and returned to Council for approval.

Councilmember Duncan stated the Strategic Action proposal by the California Partnership for the San Joaquin Valley issued in October, 2006, listed the top 25 emissions inventory for nitrous oxide, the primary top pollutant, which totaled 500 tons per day, adding no information was provided as to an analysis on the impact of the plan and how it would reduce air quality and questioned the cost factor with Mr. Ruiz responding. Councilmember Duncan stated the plan had specific actions that would impact a number of people and expressed concern with moving forward with the plan when there was no idea if the plan would work or the cost, with brief discussion ensuing. He stated one of the recommendations in the plan regarding leaf blowers, advising a study of leaf blowers was found to be so negligible it was not worth regulating. Councilmember Duncan expressed his concerns with the plan not including the City using planting more low biogenetic trees which were low in volatile organics compounds (VOC's), and the bottlenecks and pinch points throughout the City, recommending a policy be added requiring contractors to offer zero-scape landscaping as an option. Councilmember Duncan stated the plan needed to be reviewed more scientifically and analytically, for a cost of the plan as well as the benefits.

Mr. Ruiz thanked Council for the comments, noting this was not a final version and some excellent ideas have been brought up today for further discussion. Councilmember Sterling thanked staff for the report, expressing concern with the cost factor and advised it was good presentation and a good start, and she looked forward to continuing to support the efforts. Councilmember Calhoun expressed concern with Operation Clean Air not being in the plan, with Mr. Ruiz stating Operation Clean Air along with Team Clean Air was included in Strategy 8 of the plan. **(4-0)** Councilmember Calhoun stated this was a clever plan, stressing the importance of having citizen involvement and thanked everyone involved in preparing the report.

Councilmember Westerlund stated it was a visionary plan and had great things to offer, stressing the need for a cost benefit analysis, questioning if the statement "Fresno Green" had any affect in establishing policies for the City at the current time with City Attorney Sanchez stating the plan was not enforceable at the present time due to it being a presentation. Councilmember Westerlund reviewed the idea of reducing plastic grocery bags; leaf blower issue; and recommended the 75% diversion be included in the plan, noting his support for a sustainable City.

President Perea stated today's presentation was to help make the plan stronger, noting there were different ways to reach the goal, adding every pollution source was worthy of attention, noting there was substance and vision in the plan and advised policies would be presented to Council in the future. President Perea stated there was not a dollar amount attached to each item, noting the key was to set priorities as a Council and decide what the City needed to invest in. Acting President Xiong stressed the importance of communication to the Council as well as community involvement and spoke in support of the plan. No action taken.

- - - -

LUNCH – 11:37 A.M. – 2:00 P.M.

- - - -

CONTESTED CONSENT CALENDAR

(1-B) * RESOLUTION NO. 2007-171 - 18TH AMENDMENT TO FY07 SALARY RESOLUTION 2006-257 ADDING THE CLASSIFICATIONS OF CRIMINALIST AND CRIMINALIST SPECIALIST – PERSONNEL DEPARTMENT

Councilmember Calhoun stated he was on the Board of Property and Evidence Committee when the City and County discussed combining services and questioned why this position was being added to the City staff and not contracted out as a

service and questioned the high salary at an entry level. Deputy Police Chief Shaffer stated the Police Department's goal was to have their own crime lab, noting there was a backlog of DNA evidence testing which was currently handled by the Department of Justice (DOJ) and the addition of the criminalist position would assist in meeting the case load needs. Ms. Shaffer stated the DOJ services seven counties to include Fresno and if the City had their own criminalist, the person would only work on City cases and would handle 35 or more DNA cases on an annual basis. Councilmember Calhoun questioned the high salary range with Ms. Shaffer stating a salary survey was performed on what other criminalists made in other jurisdictions, noting there was a shortage of the position statewide and was highly sought out and through the survey, the salary was set at a slightly lower salary than the DOJ's position. Councilmember Calhoun encouraged staff to work with the Sheriff's Department to share the cost.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2007-171 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

- - - -

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION(C) 1. CASE NAME: CITY OF FRESNO V. THE DISCOVERY CENTER

B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (A) 1. CASE NAME: WOODWARD PARK HOMEOWNERS ASSOCIATION, INC., ET AL V. CITY OF FRESNO, ET AL.

The City Council met in closed session in Room 2125 at the hour of 2:13 p.m. to consider the above matter and reconvened in regular session at 2:43 p.m.

(2:30 P.M.) PRESENTATION BY THE 10X10 BLUE RIBBON COMMITTEE ON AFFORDABLE HOUSING – COUNCILMEMBER STERLING

Councilmember Sterling reviewed the final report, stating an important priority was to provide people with a secure place to live which involved many components and factors to put it all together, noting the 10X10 Blue Ribbon Committee had recently presented the final report to the Mayor's Office, and concluded with an introduction of the members of the committee.

Interim Planning and Development Director Bergthold presented the strategy plan developed by the volunteer committee. He stated the report was a series of strategies with some being very specific and others required more work, and, as a whole, was a comprehensive study for an aggressive plan to provide 10,000 affordable housing units by the year 2010. Mr. Bergthold explained the committee was broken up into subcommittees with a brief review of each.

Veda Stamps, The Ramsay Group, gave an extensive overview of the new financing strategies, reviewed five recommendations; noting the importance of creating ongoing revenue streams to provide affordable housing. Ms. Stamps introduced the subcommittee members.

Mr. Bergthold stated the Planning and Development Department was working on streamlining their operations, adding the plan reflected several recommendations for the innovative local government to reduce the time it took to process an application, advising the plan included appointing a "shepherd" who would assist the affordable housing through the approval process and efforts were being made to reduce times on every type of entitlement. He gave a brief review of the other aspects of the innovative local government subcommittee recommendations.

(5-0) Sara Hedgpeth-Harris reviewed the subcommittee's six recommendations related to the urban reinvestment/infill and transitional housing development, stating the transitional housing was not an accurate title due to this type of housing would provide housing mainly for the homeless and/or disabled people who required permanent care and reviewed the several recommendations and their elements. Ms. Harris added the County's participation was very important to this aspect of affordable housing. She introduced member of the subcommittee. At the hour of 3:15 p.m. President Perea left the meeting and returned at 3:19 p.m.

Sharon Stanley, Fresno Interdenominational Refugee Ministries, spoke on the Innovative Code Enforcement and reviewed the recommendation for the implementation to include the addition of three additional Code Enforcement Inspectors by the year 2010 and also hire additional attorneys, stressing the importance of difference groups and organizations working together that were essential to help eliminate the long-term slum dynamics. Ms. Stanley stated over 50% of all housing units in the City of Fresno were rental units, totally 53,000 units, adding the plan was committed to upgrading at least 1,800. At the hour of 3:29 p.m. President Perea left the meeting. She reviewed the plan to implement a systematic inspection of "code offending properties" which were property owner who had not been held accountable for their blighted property. Ms. Stanley stated there needed to be a community engaged code enforcement model that would look for funding from private entities and foundations to assist in putting together the vision.

Housing and Community Development Manager Sigala reviewed the Affordable Accessible Housing portion of the plan, stating a universal design was incorporated and reviewed the five basic features of the design. Mr. Sagala thanked all the people and groups involved in the subcommittee.

Mr. Bergthold reviewed the regional land use portion, advising of the importance of supporting the implementation of a regional housing trust fund the participation on the Action for Affordable Housing Regulatory Reform and the maintenance of a leadership role in the California Partnership and the San Joaquin Blueprint process. Mr. Bergthold briefly reviewed the Smart Growth Plan Implementation, stating it was an incentive based plan and elaborated. At the hour of 3:38 p.m. President Perea returned to the meeting.

Councilmember Sterling thanked everyone for their presentations, noting the committee had met once a week for one year and requested Council accept the report. At the hour of 3:44 p.m. Councilmember Westerlund left the meeting.

Speaking to the issue were: Sara Hedgpeth , 5445 E. Lane; Jose Luis Barraza, 4243 E. Thomas; Kevin Vu, 4773 E. Andrews Avenue, Kimmy Nguyen-Vu, 4773 E. Andrews Avenue, who both spoke of the universal home design; Bonnie Rusko, 22041 W. Fremont; and Carol Casey, 1917 S. Chestnut Ave. Apt. 10G. Councilmember Westerlund returned at 3:54 p.m.

Councilmember Dages stated his passion was for people to own their own home at an affordable price and thanked everyone involved. Councilmember Duncan questioned the relationship Ms. Stanley had with the City when she was involved in a home rehabilitation project with Ms. Stanley stating they had great assistance from City staff, noting the shepherding through the process would have saved time, noting the recommendation was included in the plan. Councilmember Duncan stressed there was an excessive amount of time to get applications approved and recommended a long-term solution would be not to look at the process as an evolutionary change but as a revolutionary change.

Acting President Xiong commended the committee for their hard work, stating the need for a strategy to review the report such as the conversion issue and noted he was pleased to speak in support. Councilmember Westerlund thanked all involved for the report, stating there were several issues that were the right way to go, noting some still needed deliberation; advising Council find the one or two items and champion them. Dennis Woods, United Security Bank responded to Councilmember Westerlund's questions regarding the Community Bank Investment Plan. Councilmember Westerlund discussed the pre-approved plans for affordable housing, and recommended taking an active role in obtaining some CalTrans remnant parcels and briefly reviewed prevailing wages.

Councilmember Sterling stated the committee would address all the issues and make compromises to reach a solution to make affordable housing a reality.

President Perea questioned the different levels of affordable housing with Mr. Sagala responding. President Perea stated there were numerous strategies and requested a matrix be provided with timelines attached to each recommendations and the name or department responsible for working on the item, noting some issue could be community driven. He stated as the City moved forward with the plan Council needed to be kept informed of who was accountable with City Manager Souza responding. No action taken.

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION(C) 1. CASE NAME: *CITY OF FRESNO V. THE DISCOVERY CENTER*

City Attorney Sanchez stated the Council authorized the initiation of litigation on a vote of 6 to 1 with Councilmember Westerlund voting no.

B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (A) 1. CASE NAME: WOODWARD PARK HOMEOWNERS ASSOCIATION, INC., ET AL V. CITY OF FRESNO, ET AL.

The City Council met in closed session in Room 2125 at the hour of 4:37 p.m. to consider the above matter and adjourned at 4:54 p.m.

- - - -

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 4:54 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

Approved on the _____ day of _____, 2007.

_____ATTEST:_____	
Henry T. Perea, Council President	Cindy Bruer, Deputy City Clerk

